Remarks

Claims 1-12 are pending in the application. Claims 1-6, 8 and 10-12 were rejected, and claims 7 and 9 were objected to as being dependent on a rejected base claim. By this paper, new claim 13 is added. Based on the following, consideration of the new claim and reconsideration of the rejected claims is respectfully requested.

Drawings

Figures 6 and 7, as originally submitted, inadvertently omitted label 52. Similarly, Figures 8 and 10, as originally submitted, omitted label 54. The labels have been added to the drawing figures, and replacement sheets are included with this amendment. These labels were specifically referenced in the specification as submitted—see, e.g., page 8, lines 5-7.

Specification

The Examiner objected to the specification as listing references not disclosed in an Information Disclosure Statement. References listed in the specification, but not listed in a previously submitted Information Disclosure Statement, are properly submitted for the Examiner's consideration in an Information Disclosure Statement included with this amendment.

Claim Rejections - 35 U.S.C. § 102

The Examiner rejected claims 1-6, 8 and 10-12 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,664,841 (Dal Monte). The Examiner stated that the claims were rejected "as best understood with the above cited indefiniteness...." Because no specificity was provided with regard to the alleged indefiniteness, Applicants are unable to further respond to that statement.

With regard to the 35 U.S.C. § 102(b) rejections, MPEP states that "'a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.'" MPEP § 2131 8th ed., Rev. 1 (citation omitted). The MPEP further states that "'the identical invention must be shown in as complete detail as is contained in the...claim.'" *Id.* (citation omitted). Because none of the cited references describe, either expressly or inherently, each of the elements found in claims 1-6, 8 or 10-12, it is submitted that these claims are not anticipated by the cited references.

For example, claim 1 of the present invention recites an articulated spread-lever arrangement including a first link and a second link, "whereby rotation of the first link of the arrangement relative to the second link of the arrangement causes a translation of the contact portion relative to the base portion." The Examiner states that the device in Dal Monte includes "two first links (8) and two second links (15)," and that, "[r]otation of first links (8) about pivot axis (20) causes second links (15) to slide along track (19) integrally formed in base portion (13)(35)." The Examiner further states that "sliding movement of second links (15) in track (19) causes occupant-engaging contact portion (un-illustrated) to translate with respect to base portion (13)(35)." An examination of both the drawing figures included in Dal Monte, and the text of the specification, indicates that no such translation takes place. Rather, the side plates 8, 15 as described in Dal Monte, cause a *rotation* of a contact portion, but not a translation.

At the outset, it is important to note that the "occupant-engaging contact portion," as defined by the Examiner, "consists of headrest padding...." The Examiner then cites column 4, lines 29-31 from the Dal Monte patent for support for the proposition that the headrest padding is anchored "to articulated spread lever arrangement (7)(14)." The passage in Dal Monte referenced by the Examiner indicates that this simply is not the case. Rather, column 4, lines 29-31 of the Dal Monte patent state that "head-rest padding is made in any known way of foamed plastic material, with the associated cover of textile or the like, and *is to be anchored to frame 7* also in any known way." (Emphasis added). The Examiner's statement indicates that the headrest padding is to be anchored to both feature 7 (a frame) and

feature 14 (an auxiliary arm); the passage from Dal Monte cited by the Examiner makes it clear that this is not the case. Rather, the headrest padding is to be anchored only to frame 7, not to auxiliary arm 14. This is an important distinction with regard to the movement of the "occupant-engaging contact portion."

The movement of frame 7, and thus the headrest padding, or "occupant-engaging contact portion," is described in Dal Monte in columns 5 and 6, and is graphically shown in the drawing figures. Specifically, Dal Monte describes the tensioning of a flexible cable 39 as causing a "forward rotation of frame 7 of the head-rest around the articulation axis 20...." (Col. 5, ll. 53-54.) Thus, the Examiner correctly states that tensioning the cable 39 "rotates first links (8) with respect to second links (15)." It is important to note, however, that because the headrest padding is anchored to the frame 7, it also rotates, and does not translate. Dal Monte also describes the tensioning of cable 39 as producing "an upward movement of shafts 18 within the respective guide slots 19 and a forward tilting movement of the lower portion of frame 7 around the respective articulation axis 20." (Col. 6, ll. 1-4.) Because the headrest padding, or "occupant-engaging contact portion," is anchored only to the frame 7 and not to the auxiliary arm 14, the tensioning of cable 39 causes a rotation of the contact portion relative to the base portion, not a translation, as is specifically recited in claim 1 of the present invention.

Dal Monte does discuss a sliding movement, or translation, of the frame 7 relative to a bracket 13. Such a movement would effect a sliding movement, or translation, of the headrest padding that is anchored to the frame 7. This translation, however, does not occur as a result of the rotation of the auxiliary arm 14, or "second links (15)." Rather, the movement of frame 7 along direction A, as shown in Figure 2, is effected by the tensioning of a flexible cable 26. (Col. 5, ll. 3-9.) As described in Dal Monte, "the sliding movement of frame 7 along direction A is accompanied by a corresponding rotation of the auxiliary arm 14 around axis 21...." (Col. 5, ll. 42-45.) Thus, even if the labels are reversed, and the side plates 15 are referred to as "first links", and plates 8 are referred to as "second links", the rotation of the first link does not cause a translation of the contact portion relative to the base

portion, as specifically recited in claim 1 of the present invention. In fact, it is the translation of frame 7—caused by the tensioning of cable 26—which causes the rotation of the auxiliary arm 14. This is a completely different cause and effect relationship from the one recited in claim 1 of the present invention.

Claim 1 of the present invention also recites "a tension spring extending between the contact portion and the base portion and urging the contact portion toward the base portion...." The Examiner states that "[t]ension spring (22)(25) extends between base portion (13)(35) and spread lever arrangement (7)(14) that is fixed to occupant-engaging contact portion (un-illustrated)." First, the features denoted by the labels 22 and 25 in Dal Monte are a spring and a flexible cable, respectively. Thus, although feature 22 is properly referred to as a tension spring, feature 25 is not. As described in Dal Monte and shown in the drawing figures, the helical spring 22 is "interposed between an inner rib 23 of the supporting structure 4 and one end 24 of a flexible cable 25...." (Col. 4, ll. 64-66.) Thus, Dal Monte does not describe or illustrate a tension spring which extends between the contact portion and the base portion, as specifically recited in claim 1 of the present invention.

Even if the combination of the spring 22 and the flexible cable 25 is interpreted to be a single tension spring, it still does not expressly or inherently describe the limitations found in claim 1 of the present invention. For example, the lower end (as shown in Figure 4) of the helical spring 22 is attached to the inner rib 23, while the upper end (as shown in Figure 4) of the flexible cable 25 is attached to a cross bar 17. First, the rib 23 is not part of the "base" as interpreted by the Examiner ("base portion (13)(35)"), but rather is part of the support structure 4. (Col. 4, ll. 64-66.) Second, the cross bar 17 is not part of the contact portion, but rather, it connects two side plates 15 which are elements of the auxiliary arm 14. (Col. 4, ll. 46-48.) As stated by the Examiner, the "contact portion" of Dal Monte is the headrest padding, which, as specifically described in Dal Monte, is anchored to the frame 7, not auxiliary arm 14. Thus, even the combination of the helical spring 22 and flexible cable 25 does not extend between the contact portion and the base portion as specifically recited in

claim 1 of the present invention. Therefore, claim 1 of the present invention includes limitations which are neither expressly, nor inherently, described in Dal Monte.

A similar analysis can be applied to claim 5 of the present invention, which recites "a tension spring extending between the contact portion and the base portion," and "an actuator for imparting a rotation of the first link of the arrangement relative to the second link of the arrangement, whereby the contact portion is controllably translated relative to the base portion." As discussed above with regard to claim 1, any sliding movement, or translation, of the contact portion of the Dal Monte device is not caused by a rotation of an interacting link. Rather, the tensioning of the cable 26, or the loosening thereof, causes the frame 7 to move in direction A as shown in Figure 2. In addition, Dal Monte does not describe a tension spring which extends between the contact portion and the base portion. Thus, claim 5, like claim 1, contains limitations which are neither expressly, nor inherently, described in the Dal Monte reference.

Claims 2-4 depend either directly or indirectly from independent claim 1, and include all the limitations thereof. Similarly, claims 6-12 depend either directly or indirectly from independent claim 5, and include all the limitations thereof. In addition, claims 2-4 and 6-12 contain additional limitations which further distinguish them from the cited references. Therefore, it is submitted that claims 1-6, 8 and 10-12 are not anticipated by Dal Monte, or any of the other cited references.

Allowable Subject Matter

The Examiner objected to claims 7 and 9 as being dependent upon a rejected base claim, but stated that they would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. Claim 7 has been rewritten in independent form in accordance with the Examiner's direction. This claim has been added as new claim 13. It is therefore submitted that new claim 13 is allowable.

Respectfully submitted,

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